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Infrastructure Planning
Temple Quay House
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Our ref: SO/2022/121848/06-L01
Your ref: Deadline 9 - 27/04/2022
Date: 27 April 2022

FAO: Edwin Mawdsley / A57 Examination Team

Dear Sirs,

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR A57 LINK ROADS**

**DEADLINE 9 (27TH APRIL 2022) ENVIRONMENT AGENCY COMMENTARY &
WRITTEN RESPONSE TO:**

- **EXAMINING AUTHORITIES SCHEDULE OF CHANGES TO APPLICANT'S
DRAFT DEVELOPMENT CONSENT ORDER (PUBLISHED 20TH APRIL 2022)**
- **RELEVANT SUBMISIONS MADE BY THE APPLICANT, NATIONAL
HIGHWAYS, UNDER DEADLINE EXAMINATION DEADLINES 6 (FURTHER
COMMENTARY) AND 8.**

Thank you again for requesting commentary from the Environment Agency (EA) for the purpose of the A57 Links Road examination. Notification by the Examining Authority (ExA) on the opportunity/request to make further representation under Deadline 8 was received on the 19/04/2022 (Deadline 8 responses) and 20/04/22 (Examining Authorities schedule of changes to the Applicant's draft Development Consent Order) respectively.

Please find detailed within the relevant sub-sections of our letter below, EA commentary in relation to the following most recent examination items / submissions:

- The Examining Authority's schedule of changes to the Applicant's draft Development Consent Order. Issued Wednesday 20th April 2022.
- Deadline 8 [REP8-007] – 9.42 Flood Risk Assessment (Tracked). TR010034. Revision 3.
- Deadline 8 [REP8-014] – 9.50 Outline Landscape and Ecological Management and Monitoring Plan. TR010034. Revision 4.

For the purpose of this written response, in the interest of efficiency and clarity of EA position, we have sought focus our response on the items which we understand and consider to be of key importance to enabling the effective conclusion of the examination process. However, should the Examining Authority (ExA) consider that there are any wider submissions of the examination which this written response has not addressed, and which is considered to require or review/comment then we request that we are notified at the earliest possible opportunity.

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: [REDACTED]
[REDACTED]

Cont/d..

EA Commentary – ExA Changes to Draft Development Consent Order (20th April 2022)

Note to ExA Context for EA Commentary on dDCO alterations

Thank for requesting commentary on changes made by the ExA to the draft Development Consent Order (dDCO). Within our previous correspondence (EA SO/2022/121848/07-L01 for Deadline 8) we provided the ExA with an outline on several meetings (x3) to be scheduled with the applicant's project team (Atkins); aimed at addressing the EA outstanding concerns in relation to flood risk and groundwater/dewatering. We can now confirm to the ExA that these meetings have now occurred as intended.

Several post meeting actions have agreed as part of our discussions with Atkins. For the purpose dDCO wording, arising from these actions, it has been agreed that the applicant (Atkins) will seek to re-word dDCO Schedule 2 requirements 6 (contaminated land) and 9 (Flood Risk Assessment) to ensure EA concerns unable to be addressed within the remaining examination timeframe will be/ are suitability addressed / conditioned. We have also reached agreement that the Dewatering Management Plan (DWP) required as part the wider submissions for requirement 4 (second iteration EMP) will be the critical/key document for addressing our outstanding dewatering concerns (as relayed within previous EA correspondence / during Issue Specific Hearing 3).

From further correspondence with the Atkins is currently our understanding that further to addressing the ExA's suggested changes to the dDCO they will themselves be submitting (as part of Deadline 9) revised dDCO wording for requirements 6 and 9. It is also our further understanding that an outline version of the DWP will be submitted either as part of Deadline 9 or Deadline 10.

In line with the above, we advise the ExA that our comments below in relation to the Exa's changes to the DCO are made in accordance with the above understanding of further actions to be taken by the applicant (Atkins).

EA Commentary – Schedule 2 Requirement 3 (Detailed Design).

We can confirm that we have no objection to the proposed alteration of wording for requirement 3. However, in relation to the ExA's suggests to amended wording of requirement 3(4), we would advise the ExA may also wish to consider further amendment to this wording of to clarify/require that during development the detailed design of the A57 scheme that undertaker must (in addition to consulting with the relevant planning authority, local highway authority and other parties identified with the Community Engagement Plan) consult with relevant wider regulatory authorities - thereby acting to provide further confidence and assurance in the detailed design presented to the Secretary of State.

EA Commentary – Schedule 2 Requirement 4 Second Iteration EMP

As outlined within the context above, is currently our understanding that the applicant will be seeking to make further amended to the wording of Requirement 9 (flood risk) and will also be submitting for review and approval an outline version of the DWP. We also recognise and acknowledge that the Register of Environmental Actions and Commitments (REAC) and the Environmental Management Plan (EMP) are intended to be 'live' documents which will be periodically updated, with EA consultation on these documents required to occur prior to commencement of development (as governed by

the existing wording provided for the 2nd EMP iteration)

Provided that actions outlined above occur as part of further subsequent examination submissions and are of acceptable quality/wording, we would advise the ExA that we would not have any outstanding concerns regarding the existent (or ExA's proposed amended wording) wording for Requirement 4.

EA Commentary – Schedule 2 Requirement 6 Contaminated Land and Groundwater

We thank the ExA for acting upon the EA's previously commentary (outlined under Deadline 8) regarding the need to amend the wording of requirement 6 reflecting our concerns that, further to previous site investigation / assessment work undertaken by the applicant, additional site investigation, assessment is needed and (where necessitated) remedial action may be required; as part of ensuring accordance to the requirements of the National Planning Policy Framework (NPPF) as well as wider other relevant legislation and policy associated with the protection of controlled waters.

However, as outlined within the context above, we are presently anticipating that the applicant will be submitting for review and approval revised wording for requirement 6. It is our intention to review and advise the ExA on the suitability of applicant's proposed wording for this requirement once this becomes available.

In virtue of the above anticipated action, in the interest of preventing confusion, we will refrain at this present time providing detailed commentary on the ExA's proposed rewording of requirement 6. With the exception of noting that in accordance with the agreed understanding of the purpose of the DWP that the wording 6(7)-6(8) is likely to prove to be unnecessary provided that the outline DWP is of an adequate submission quality.

EA Commentary – Schedule 2 Requirement 9 Flood Risk Assessment

As detailed within context outlined above, it is our present understanding (in the interest of providing greater confidence in future intended actions) that applicant will be submitting as part of further examination submissions revised wording for requirement 9. We anticipate that the wording of this will reference the fact that consultation with the EA will be required at the detailed design stage and a recognition that update (and approval) of the existing FRA and associated flood modelling will be required reflecting the final detailed development design.

It is our intention to review and advise the ExA on the suitability of applicant's proposed wording for this requirement once this becomes available. Please also see for wider awareness/update EA commentary on the FRA submitted by the applicant under Deadline 8.

EA Commentary – Deadline 8 [REP8-007] Flood Risk Assessment

On 19/04/22 we met with the applicant's flood risk engineers (Atkins) to discuss outstanding issues in relation to flood risk associated with the impact of climate change. As part of meeting discussions Atkins the appraised EA of progress and actions being taken to address the associated issues. Post-meeting an updated river model associated with the River Etherow crossing, factoring latest EA climate change allowances and used to inform the Deadline 8 FRA was submitted to the EA. Review of this flood model has been completed and initial feedback provided to the Atkins (27.04.22).

As part of the feedback aforementioned we have advised Atkins that whilst, in principle, the updated flood model is acceptable our review has identified several items for clarification and the need for minor amendment to the FRA in connection with this review.

In virtue of the above, we are at this present time unable to confirm acceptability of the FRA submitted under Deadline 8. However, anticipate in conjunction with update the wording of Requirement 9 that will shortly (as part of Deadline 10) be able to confirmation that examination FRA submission and associated condition wording are sufficient.

Nevertheless, for the awareness of the ExA, we confirm that applicant has re-run the river model for the River Etherow to assess the potential impacts that the latest climate change allowances (July 2021) have on the design proposed. We note that the latest results have changed the flood levels slightly although not to any extent that would require significant changes to the overall design of the River Etherow crossing or the extent of flood plain compensation storage already identified. The required flood plain compensation volumes have been revised within the FRA and this requirement will need to be complied with in the detailed design if the scheme were approved and progressed to construction. There will also be a need to ensure existing flood defence embankment levels are maintained within the detailed design.

EA Commentary Deadline 8 [REP8-014] – 9.50 Outline Landscape and Ecological Management and Monitoring Plan.

We can confirm that we have undertaken review of the updated Outline Landscape and Ecological Management and Monitoring Plan submitted under Deadline 8 and consider that this acceptable for the purpose of the first EMP submission.

Further to the above, we also acknowledge the LEMP is to be a live document that will be reviewed and updated to include detailed design info and any changes in scheme design. We would be supportive of INNS management plan; section 4.6; to develop overarching control strategy for the various Schedule 9 INNS species identified within scheme footprint. The Agency however notes in the indicative LE3.1 Ornamental amenity shrub mix list, the potential proposed use of cherry laurel (*Prunus laurocerasus*) and snowberry (*Symphoricarpos x chenaultii*). We appreciate that whilst these species are not listed on Schedule 9 of invasive non-native plant list, under Wildlife and Countryside Act; they can tend to act in an invasive nature (see Invasive Shrubs to be Aware of in Your Garden - The RSPB). Consequently, we recommend avoidance of their use in landscape scheme design.

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We trust that the ExA and will find the contents of this letter beneficial to the purpose of the furthering the A57 DCO examination. However, should the examination team have any queries or questions, regarding the contents of this letter then please do not hesitate to get in contact.

Yours sincerely,

Mr Andy Davies

Sustainable Places Advisor & Project Manager

Direct e-mail [REDACTED]@environment-agency.gov.uk

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